

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:12-cv-00198-MR-DLH**

**ALLEN J. BOYKIN ROBINSON and** )  
**JENNIFER P. ROBINSON,** )  
 )  
 **Plaintiffs,** )  
 )  
 **vs.** )  
 )  
 **SUNTRUST BANK,** )  
 )  
 **Defendant.** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the Plaintiffs' Motion to Defer Ruling on Defendant's Motion for Summary Judgment. [Doc. 36]. The Defendant opposes the Plaintiff's Motion. [Doc. 38].

The Defendant filed a motion on July 17, 2014, seeking the entry of summary judgment on all claims asserted by the Plaintiffs in this case. [Doc. 31]. On August 4, 2014, the Plaintiffs filed the present motion pursuant to Rule 56(d) of the Federal Rules of Civil Procedure<sup>1</sup>, asking the

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<sup>1</sup> Rule 56(d) of the Federal Rules of Civil Procedure provides as follows:

If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:

(1) defer considering the motion or deny it;

Court to defer ruling on the Defendant's Motion for Summary Judgment. For grounds, the Plaintiffs state that discovery requests are still outstanding and that responses to these requests must be received in order to adequately respond to the Defendant's motion. Further, the Plaintiffs argue that deferring ruling on the motion for summary judgment would allow the parties and the Court to consider all of the dispositive motions filed in this and other related Grey Rock cases in a coordinated manner. [Doc. 36].

Upon consideration of the Plaintiffs' Motion, and for the reasons stated therein, the Court concludes that it would be appropriate to defer ruling on the Defendant's Motion for Summary Judgment until after the close of discovery in this case.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiffs' Motion to Defer Ruling on Defendant's Motion for Summary Judgment. [Doc. 36] is **GRANTED**, and the Court shall defer ruling on the Defendant's Motion for Summary Judgment until after the close of discovery in this matter.

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(2) allow time to obtain affidavits or declarations or to take discovery; or

(3) issue any other appropriate order.

Fed. R. Civ. P. 56(d).

**IT IS FURTHER ORDERED** that the Plaintiffs shall have through and including **November 15, 2014** within which to file a response to the Defendant's Motion for Summary Judgment.

**IT IS SO ORDERED.**

  
Martin Reidinger  
United States District Judge

